REMARKS

Disposition of Claims

Upon entry of the foregoing amendments, claims 1-3, 5, and 9-20 will remain pending in the application and stand ready for further action on the merits. Claim 1 has been amended to clarify that the soft grip member comprises a rigid polymeric inner wall bonded to an elastomeric outer wall. The elastomeric outer wall is an integral component of the soft grip member. It extends continuously along the length of the rigid polymeric inner wall. That is, the elastomeric outer wall is co-axial and co-longitudinal to the inner wall. This conjoining wall structure forms the soft grip member. The Specification fully supports this amendment, particularly at page 2, third paragraph; page 3, first and second paragraphs; and page 4, first paragraph, and by the drawings. Claims 16 and 17 have been amended in a similar manner. No new matter has been added to the application.

Claim Rejections under 35 U.S.C. §102

The Office Action rejects claims 1, 5, 9, 11-14, 17-18, and 20 under 35 U.S.C. §102(e) as being anticipated by Mayer, U.S. Patent Application Publication No. US 2004/0259054 ("Mayer"). It is submitted that the presently claimed invention, as recited in amended claims 1, 5, 9, 11-14, 17-18, and 20 is not anticipated over the disclosure in Mayer for the reasons discussed below.

Applicants appreciate Examiner MacPherson's comments to the previously filed amendment and for pointing out the grip member (50) described in Mayer includes a rigid body (30) having a soft exterior grip portion (52). The rigid body (30) is also referred to as the scaler body (30) in Mayer. As noted by the Examiner, the shank (20) of the scaler insert is inserted into the grip member (50) and held in place by a tight friction fit. Still, Applicants respectfully submit that the grip member (50) described and illustrated by Mayer does not include a rigid polymeric inner wall and outer elastomeric wall as found in the presently claimed invention. In Mayer, the soft exterior grip (52) is not an outer elastomeric wall that forms the structure of the gripping member; rather, it is a soft segment overlying only one area of the rigid body (30). The soft grip (52) is an exterior piece covering only the central portion of the rigid body (30) as described by Mayer:

> The soft grip portion is fixedly and coaxially attached to the central portion of the rigid body, the grip portion being confinedly positioned on the central portion between ledges defined by the front and rear portions. (Paragraph 0005).
>
> The soft grip portion may be fixedly attached to the rigid body by means of adhesive placed between an inner attachment surface and an outer surface of the central portion ... (Paragraph 0007).

Applicants submit that the soft grip portion (52) described in Mayer should not be considered an elastomeric wall that forms the integral structure of the gripping member (50). Rather, the soft grip (52) is a relatively small piece of silicone rubber or other soft material placed over a portion of the rigid body (30). It is bonded to the central area of the body (30). The gripping member (50) in Mayer does not have an inner/outer wall structure as found in Applicants' instrument. Instead, the rigid body (30) constitutes the gripping member (50).

As opposed to Mayer's gripping member, Applicants' soft grip is made up of conjoining elastomeric and rigid polymeric walls. The conjoined walls form the soft grip structure. That is, the elastomeric component is an integral part of the entire structure – it forms the outer wall – it is not simply a gripping segment covering a portion of the rigid polymer. In Applicants' structure, the elastomeric outer wall extends continuously along the entire length of rigid polymeric inner wall to form the soft grip member.

As the Examiner recognizes, a claim is anticipated under 35 U.S.C. §102(e) only if each and every element of the claim is found in a single prior art reference. It is respectfully submitted that amended claims 1, 5, 9, 11-14, 17-18, and 20 are not anticipated by Mayer, because there is no disclosure or suggestion in Mayer of a grip member made from a rigid polymeric inner wall and an elastomeric outer wall as recited in the presently amended claims. In view of the foregoing, it is respectfully requested that the rejection of claims 1, 5, 9, 11-14, 17-18, and 20 under 35 U.S.C. §102(e) over Mayer be withdrawn.

Claim Rejections under 35 U.S.C. §103

The Office Action rejects claims 2, 3, 10, 16, and 19 under 35 U.S.C. §103(a) as being unpatentable over Mayer in view of Stearns, U.S. Patent 6,095,811 ("Stearns"). It is respectfully

submitted that the presently claimed invention, as recited in amended claims 2, 3, 15, and 19, is not prima facie obvious over the disclosures in Mayer and Stearns for the reasons discussed below.

Referring to FIG. 1 in Stearns, a known intraoral dental camera assembly (10) having a known gripping handle (30) is shown. Stearns describes the known gripping handle (30) as including a pair of tapered half-sections (32, 34), each half-section having a curved interior surface (col. 4, lines 11-15). As the Examiner points out, two half-sections are "snap-fitted" together to form the gripping handle. The Examiner takes the position that it would have been obvious to modify the gripping member (50) in Mayer so that it included two half-sections that could be snap-fitted together.

However, Applicant respectfully submits that even if a person of ordinary skill in the art looked to the disclosure in Stearns and combined it with Mayer, the present invention would not be obvious. As discussed above, Applicants' soft grip includes elastomeric and rigid polymeric walls. The walls are bonded together to form an integral structure - the elastomeric outer wall extending continuously along the length of the rigid polymeric inner wall. Claims 16 and 19 define the soft grip as having first and second half-sections, each half-section being made from a rigid polymer and elastomeric polymer. There is no disclosure or suggestion for a soft grip having such a structure in Stearns. Moreover, a person of ordinary skill in the art would have no basis for modifying the teachings therein to produce such a structure. Thus, even if the disclosure in Mayer were combined with the disclosure in Stearns, it is respectfully submitted that the present invention, as recited in amended claims 2, 3, 10, 16, and 19 would not be obvious. Accordingly, it is respectfully requested that the rejection of claims 2, 3, 10, 16, and 19 under 35 U.S.C. §103(a) over Mayer and Stearns be withdrawn.

Applicants have found that such their gripping member, with its dual-wall structure, provides several benefits over conventional gripping surfaces. First, the elastomeric outer wall provides a comfortable and easy grip surface along its entire length. Vibrations, which normally would be transmitted from the scaling insert to the hand of the dental practitioner, are absorbed by the continuous elastomeric wall. Secondly, the practitioner can easily grip the instrument